

DOI Work Activity 69: Process Litigation for Resource Protection

Program Area:	Litigation
End Outcome Goal:	PEO 1 – PEO 3
Intermediate Outcome Strategy:	All Resource Protection strategies where applicable
DOI Sub process:	5b – Sustain Organizations (Administrative/Legal)

Examples/Notes: This activity is used for all litigation related to any of the End Outcome Goals under Resource Protection.

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity covers any and all work associated with administrative or judicial litigation related to the end outcome goals for Resource Protection, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving wildfire management (non-WUI)*, natural resource damage assessments, threatened and endangered species, and wild horses and burros. Excluded are personnel-related litigation (which is covered by activities 76 and 78) and employee debt-related cases (which are covered by activity 62).

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other ADR; participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities to which they relate, not by activity 69. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Also excluded from activity 69 is the cost of complying with decisions from administrative or judicial tribunals.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been made by government attorneys (Solicitor's Office or Department of Justice) to initiate litigation.

* Note: litigation involving wildfire management (WUI) is covered by activity 72 under Serving Communities.

Output: Decision or settlement agreement disposing of litigation	Unit of Measure: Number of litigation matters concluded
Inputs:	Cost Drivers:

System Interfaces:

DOI Program Area Contact: Bob More (OS/OHA)

DOI Work Activity 71: Process Litigation for Recreation

Program Area:	Litigation
End Outcome Goal:	REO 1 – REO 2
Intermediate Outcome Strategy:	All Recreation strategies where applicable
DOI Sub process:	5b – Sustain Organizations (Administrative/Legal)

Examples/Notes: This activity is used for all litigation related to any of the End Outcome Goals under Recreation.

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity covers any and all work associated with administrative or judicial litigation related to the end outcome goals for Recreation, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving special recreation permits and recreation use permits. Excluded are personnel-related litigation (which is covered by activities 76 and 78) and employee debt-related cases (which are covered by activity 62).

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other ADR; participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities to which they relate, not by activity 71. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Also excluded from activity 71 is the cost of complying with decisions from administrative or judicial tribunals.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been made by government attorneys (Solicitor's Office or Department of Justice) to initiate litigation.

Output: Decision or settlement agreement disposing of litigation	Unit of Measure: Number of litigation matters concluded
Inputs:	Cost Drivers:

System Interfaces:

DOI Program Area Contact: Bob More, OHA

DOI Work Activity: 72 – Process Litigation for Serving Communities

Program Area:	Litigation
End Outcome Goal:	SEO 1 – SEO 5
Intermediate Outcome Strategy:	All Serving Communities strategies where applicable
DOI Sub process:	5b – Sustain Organizations (Administrative/Legal)

Examples/Notes: This activity is used for all litigation related to any of the End Outcome Goals under Serving Communities, except for litigation related to Goal 3: Fulfill Indian Fiduciary Trust Responsibilities.

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity covers any and all work associated with administrative or judicial litigation related to the end outcome goals for Resource Use, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving rights of way; trespass; wildfire management (WUI)*; land acquisitions, withdrawals, and disposals; Indian gaming, and tribal economic development. Excluded are Indian probate cases (which are covered by activity U4), other litigation related to Indian trust (which is covered under activity 70), personnel-related litigation (which is covered by activities 76 and 78), and employee debt-related cases (which are covered by activity 62).

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other ADR; participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities to which they relate, not by activity 72. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Also excluded from activity 72 is the cost of complying with decisions from administrative or judicial tribunals.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been made by government attorneys (Solicitor's Office or Department of Justice) to initiate litigation.

* Note: litigation involving wildfire management (non-WUI) is covered by activity 69 under Resource Protection.

Output: Decision or settlement agreement disposing of litigation	Unit of Measure: Number of litigation matters concluded
Inputs:	Cost Drivers:

System Interfaces:

DOI Program Area Contact: Bob More, OHA

DOI Work Activity 74: Process Litigation for Resource Use

Program Area:	Litigation
End Outcome Goal:	UEO.1 – UEO.6
Intermediate Outcome Strategy:	All Resource Use strategies where applicable
DOI Sub process:	5b – Sustain Organizations (Administrative/Legal)

Examples/Notes: This activity is used for all litigation related to any of the End Outcome Goals under Resource Use.

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity covers any and all work associated with administrative or judicial litigation related to the end outcome goals for Resource Use, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving oil, gas, coal, geothermal, and non-energy mineral leasing; challenges to rules; appeals of enforcement actions; citizen complaint appeals; regulating resource use; grazing; timber sales; administering water service contracts; and hydropower licensing. Excluded are mining claims (which is covered by DOI activity 0Z), mineral revenues (which are covered by DOI activity 1B), personnel-related litigation (which is covered by DOI activities 76 and 78) and employee debt-related cases (which are covered by DOI activity 62).

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other ADR; participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities, to which they relate, not by DOI activity 74. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Also excluded from DOI activity 74 is the cost of complying with decisions from administrative or judicial tribunals.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been made by government attorneys (Solicitor's Office or Department of Justice) to initiate litigation.

Output: Decision or settlement agreement disposing of litigation	Unit of Measure: Number of litigation matters concluded
Inputs:	Cost Drivers:

System Interfaces:

DOI Program Area Contact: Bob More